

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

JESUS RODRIGUEZ RODRIGUEZ

Plaintiff

Vs.

**ENCANTO RESTAURANTS, INC. D/B/A
TACO BELL + PIZZA HUT;
MULTINATIONAL INSURANCE
COMPANY; COMPANY ABC AND/OR
CORPORATION XYZ; INSURANCE
COMPANY ABC; JOHN DOE; JANE
ROE**

Defendants

CIVIL NO. 21-1220

PLAINTIFF DEMANDS TRIAL BY JURY

COMPLAINT

TO THE HONORABLE COURT:

COMES NOW the plaintiff, Jesus Rodriguez-Rodriguez, through the undersigned counsel, and pursuant to this Honorable Court, respectfully **STATE, ALLEGE** and **PRAY:**

I. THE PARTIES

1. Plaintiff, **JESUS RODRIGUEZ-RODRIGUEZ** is of legal age, married, and resident of Acworth, Georgia, United States. His current physical and postal address is: **6240 Woodstock Rd, Acworth, GA 30102-1701**; His phone number is (678-545-7126). **JESUS RODRIGUEZ-RODRIGUEZ** is suffering the damages alleged herein and for which compensation is sought.

2. Defendant, **ENCANTO RESTAURANTS, INC. D/B/A TACO BELL + PIZZA HUT**, is a corporate entity duly registered under the laws of the Commonwealth of Puerto Rico with the capacity to sue and be sued. The physical and postal address for all legal purposes, respectively, are: Montehiedra Office Center, 9615 Los Romero

Ave., Suite 200, San Juan, P.R. 00926-7037 and P.O. Box 11858, San Juan, P.R.00922-1858. The resident agent is CT Corporation System, whose physical and postal addresses, respectively, are as follows: 361 San Francisco Street 4th Floor Old San Juan, San Juan, P.R. 00901 and P.O. Box 9022946, San Juan, P.R. 00902-2946.

3. Co-Defendant, **MULTINATIONAL INSURANCE COMPANY**, by information and belief, is a business entity organized under the laws of Puerto Rico, that have issued an insurance policy or policies in favor of the codefendant, **ENCANTO RESTAURANTS, INC. D/B/A TACO BELL + PIZZA HUT**, that covers all, or part of the negligence, risks, damages, occurrences and/or events alleged in this Complaint. This business is personally liable to Plaintiff for the damages claimed in this lawsuit. For all legal purposes, the postal address is as follows: Ave. Muñoz Rivera 510, San Juan, P.R. 00918.

4. Co-Defendants, **COMPANY ABC and/or CORPORATION XYZ**, are the fictitious names of any Company/Corporation/Partnership/Subsidiary that upon Plaintiff belief, is organized under the laws of the Commonwealth of Puerto Rico, or any other recognizable jurisdiction, that, at all relevant times herein, may have had in full effect an insurance policy covering the legal liability of all the events claimed. The real names are unknown at this time and will be substituted pursuant to the Federal Rules of Civil Procedure once the real name is made known to Plaintiff.

5. Co-Defendants, **INSURANCE COMPANY ABC** by information and belief, are business entities organized under the laws of and with principal place of business in a state other than Florida, whose real names are presently unknown, and that have issued insurance policy or policies in favor of **COMPANY ABC and/or CORPORATION XYZ** and/or any other Defendant herein included, that cover all or part of the negligence, risks, damages, occurrences and/or events alleged in this Complaint. These companies

are personally liable to Plaintiff for the damages claimed in this suit. The real name of these co-defendants is unknown at this time and will be substituted pursuant to the Federal Rules of Civil Procedure once the real name is made known to Plaintiff.

6. Co- Defendants, **JOHN DOE** and **JANE ROE** are any individuals, legal entities, private or governmental agencies, municipalities or entities that may be liable to the plaintiff here, or where otherwise responsible to the facts that are reported here, and are called at this time by fictitious names ignored the real, which shall be notified as soon identified.

II. JURISDICTION

7. This Honorable Court has subject matter jurisdiction over the instant case pursuant to 28 U.S.C. sections 1332(a) (1), inasmuch as this is an action between citizens of different states and the amount in controversy exceeds SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00), exclusive of costs and interests. Venue is proper in the District of Puerto Rico pursuant to 28 U.S.C. § 1391, since the events that gave rise to this cause of action occurred in the District of Puerto Rico.

III. THE FACTS

8. On April 17, 2019, Mr. Rodriguez-Rodriguez visited the Pizza Hut + Taco Bell in the Drive Inn Plaza located in Hato Tejas, Bayamón.

9. When Mr. Rodriguez-Rodriguez entered the mentioned fast food establishment, he tripped with the slippery floor since there weren't any rugs, also the floor was heavily polished and there was no area to put wet umbrellas due to the rain that day. As a direct result, plaintiff fell and received a strong concussion on her back, neck, knees, ribs, hands, right hip, head, arms and whole body.

10. As a direct result of the accident, Mr. Rodriguez-Rodriguez had to be transferred in an ambulance to the Emergency Room at Hermanos Melendez Hospital

in the Municipality of Bayamon, Puerto Rico. There he received medical attention, was dispatched medicine and had to endure various x-rays. Eventually he had to attend a Physician where he received medical treatment such physical therapy.

11. Currently, Mr. Rodriguez-Rodriguez suffers of a limp and constant back pain, which keeps him in constant discomfort for long periods of time.

12. As a direct and proximate result of Defendants party negligence on not maintaining appropriate even entrance and walkways inside Pizza Hut + Taco Bell at the Drive Inn Plaza in Bayamon, Plaintiff Rodriguez-Rodriguez has sustained and will continue to sustain severe physical damages, emotional distress and consequential damages, and are therefore entitled to compensatory relief according to proof, and to a declaratory judgment that Defendants are liable to them for breach of their duty to the Plaintiffs due to Defendant's negligence in order to maintain dry and un-slippery floors in the front entrance at Pizza Hut + Taco Bell, and in good quality conditions.

13. The floor inside the establishment, specifically the front entrance of the fast food Taco Bell + Pizza Hut in Drive Inn Plaza Bayamon, wasn't in walkable condition; it was slippery, had water and/or dirt and/or grease.

14. The floor area inside the establishment, specifically the front entrance of the fast food Taco Bell + Pizza Hut in Drive Inn Plaza Bayamon, lacked rugs, wet floor signs and umbrella holders. This represented a dangerous condition for all visitors and the Plaintiff in the Taco Bell + Pizza Hut in Drive Inn Plaza Bayamon, Puerto Rico. Said dangerous condition was the direct result on Defendant's party negligence, which resulted in Plaintiff's slip and fall and the herein exposed physical damages and mental anguish.

15. The Plaintiff will probably have a permanent impairment that will be determined during his medical treatment. Besides, this incident has substantially

affected his quality of life because he cannot complete his daily tasks as he could prior to this incident.

IV. PLAINTIFFS DAMAGES

16. The monetary damages suffered by the Plaintiff, including but not limited to bodily and physical injury, pain and sufferings, mental anguish, psychological and emotional distress, loss of enjoyment of life, loss of enjoyment of activities to which they were accustomed, and expenses, among others, all of which are the direct consequences of Defendant's negligence, are conservatively estimated as follows:

- a) Plaintiff **JESUS RODRIGUEZ-RODRIGUEZ**, an amount of **TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00)**.

V. JOINT AND SEVERAL LIABILITIES

17. Pursuant to the laws of the Commonwealth of Puerto Rico, as joint tortfeasors, Defendants together with their insurance carriers must be held jointly and severally liable for all the damages alleged in this Complaint. Defendants above described acts or omissions constitute a tort under Puerto Rico Civil Code, Art. 1802, Art. 1803, 31 LPRA, §5141, §5142.

VI. TRIAL BY JURY

- 18. Plaintiff demands that the instant civil tort action be tried before a jury.

VII. MEDICARE

19. If the Plaintiff owe any medical costs to MEDICARE due to this incident, the Defendants must pay for all medical bills, x-rays, surgery, medicines, and any other medical treatment that Plaintiff had to undergo due to the slip and fall herein described.

VII. RELIEF

WHEREFORE, Plaintiff respectfully requests from this Honorable Court a judgment against the Defendants, jointly and severally, for the damages sustained by herself, as well as the award of costs, attorney's fees, interests and any other relief allowed in law and/or equity the Court might deem proper, regardless of whether said remedy was claimed or not.

RESPECTFULLY SUBMITTED.

In Guaynabo, Puerto Rico, this May 12, 2021.

/s/ **MANUEL COBIAN ROIG**
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